

## Message Text

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----- 011837

O 291433Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA IMMEDIATE

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E.O. 11652: N/A

TAGS: CASC, CA

SUBJECT: RICE, MARIE D. NEE CHARETTE

1. DEPARTMENT RECOMMENDS THAT EMBASSY APPROACH APPROPRIATE CANADIAN OFFICIALS TO INFORM SAME OF THREAT MADE BY RICE TO MOVE INTO AMBASSADOR'S RESIDENCE IF EVICTED FROM HER APARTMENT. SUCH A THREAT GIVEN HISTORY OF RICE SHOULD BE REGARDED SERIOUSLY, AND HOME OF AMBASSADOR LIKE THAT OF ANY OTHER PERSON SHOULD BE PROTECTED FROM ANY TYPE OF FORCIBLE ENTRY. IF THAT TIME OF POTENTIAL ENTRY CAN BE NARROWED TO GIVEN DAY OR WEEK, DEPARTMENT BELIEVES LOCAL POLICE SHOULD BE WILLING AT LEAST TO BE ON THE ALERT IF NOT BE PRESENT TO DETER ANY UNREQUESTED ENTRY. IF CANADIAN AUTHORITIES SHOULD INQUIRE AS TO BASIS FOR SUCH PROTECTION, CITE ARTICLE 29 OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS (VIENNA ON APRIL 18, 1961; TIAS 7502) WHICH OBLIGES RECEIVING STATE TO TREAT DIPLOMATIC AGENT "WITH DUE RESPECT AND ... TAKE ALL APPROPRIATE STEPS TO PREVENT ANY ATTACK ON HIS PERSON, FREEDOM  
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OR DIGNITY." ALSO CITE ARTICLE 22 OF SAME CONVENTION WHICH

PROVIDES THAT THE "RECEIVING STATE IS UNDER A SPECIAL DUTY TO TAKE ALL APPROPRIATE STEPS TO PROTECT THE PREMISES OF THE MISSION AGAINST ANY INTRUSION OR DAMAGE AND TO PREVENT ANY DISTURBANCE OF THE PEACE OF THE MISSION OR IMPAIRMENT OF ITS DIGNITY," AND ARTICLE 30 WHICH SAYS PRIVATE RESIDENCE OF DIPLOMATIC AGENT SHALL ENJOY SAME INVIOABILITY AND PROTECTION AS PREMISES OF MISSION.

2. JUSTICE IS MOST RELUCTANT TO BEGIN INJUNCTION PROCEEDINGS AT THIS TIME BECAUSE INJUNCTIONS IN AREA OF FREE SPEECH ARE DIFFICULT TO WIN. AT BEST DEPARTMENT BELIEVES THAT THE ONLY INJUNCTION THAT WOULD HAVE A CHANCE OF SUCCESS WOULD BE ONE WHICH PROHIBITED RICE FROM INTERFERING WITH THE ENTRY AND THE EXIT OF INDIVIDUALS TO AND FROM EMBASSY AND DEPARTMENT SURMISES THAT CANADIAN POLICE ARE PREPARED TO PROVIDE SUCH PROTECTION AT THE PRESENT TIME WITHOUT SUCH AN INJUNCTION. IN VIEW OF SMALL LIKELIHOOD OF SUCCESS OF A MORE BROADLY STATED INJUNCTION AND PROBABLE UNSEEMLY PUBLICITY ATTENDANT UPON SUCH AN UNSUCCESSFUL ATTEMPT, DEPARTMENT SUGGESTS EMBASSY EXPLORE LIKELIHOOD OF SUCCESS WITH APPROPRIATE CANADIAN AUTHORITIES. IF EMBASSY STILL BELIEVES MORE BROADLY FRAMED INJUNCTION THAN THAT HERE DESCRIBED IS POSSIBLE, DEPARTMENT AUTHORIZES EMBASSY TO RETAIN LOCAL ATTORNEY ONLY FOR THE PURPOSE OF EXPLORING FEASIBILITY OF SUCH AN INJUNCTION FROM LEGAL POINT OF VIEW AND ADVISING EMBASSY. DEPARTMENT DOES NOT, HOWEVER, WISH AT THIS TIME TO AUTHORIZE INSTITUTION OF ANY LEGAL ACTION IN CANADIAN COURT NOR DOES DEPARTMENT AUTHORIZE SUCH LAWYER TO WAIVE SOVEREIGN OR DIPLOMATIC IMMUNITY OF USG OR USG PERSONNEL. DEPARTMENT OF JUSTICE RETAINS OPTION OF HIRING COUNSEL OTHER THAN THAT SELECTED BY EMBASSY TO INSTITUTE ANY SUCH ACTION. DEPARTMENT AUTHORIZATION IS FOR EMBASSY TO PAY UP TO BUT NOT MORE THAN DOLS 500 FROM POST FUNDS FOR WRITTEN MEMORANDUM DESCRIBING LAW, EVIDENCE AT HAND, AND PROBABILITY OF SUCCESS ALONG WITH NECESSARY ACTIONS ON PART OF USG TO ACHIEVE SUCCESS. DEPARTMENT WISHES TO EMPHASIZE THAT POSSIBILITY OF HIRING ATTORNEY IS ADVANCED AS OPTION TO BE CONSIDERED, NOT AS SUGGESTION FAVORED BY DEPARTMENT.

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3. FROM PARA 3 OF REFTTEL, IT APPEARS THAT CRIMINAL ACTION CAN BE TAKEN AT THE PRESENT TIME BY THREE EMBASSY EMPLOYEES WHO WERE STRUCK BY THE SIGN CARRIED BY RICE. DEPARTMENT IS INFORMED THAT CANADIAN AUTHORITIES BROUGHT CRIMINAL ACTION BASED ON THESE INCIDENTS, AND RICE WAS ACQUITTED. STILL, IF RICE CONTINUES WITH SUCH BEHAVIOR, EMBASSY SHOULD CONSIDER HAVING OFFICERS INITIATE NEW CRIMINAL ACTION IN THEIR OWN INDIVIDUAL CAPACITY. SEE STATE 51195.

4. AS MATTER HAVING POSSIBLE BEARING ON THE CASE, IS  
EMBASSY AWARE OF RICE'S STATUS UNDER CANADIAN IMMIGRATION  
LAWS?

5. NOTIFY DEPARTMENT REGARDING DEVELOPMENTS PLEASE.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 29 MAR 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
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**Original Previous Classification:** n/a  
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**Previous Handling Restrictions:** n/a  
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**Status:** NATIVE  
**Subject:** RICE, MARIE D. NEE CHARETTE  
**TAGS:** CASC, CA, (RICE, MARIE D)  
**To:** OTTAWA  
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